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VIOLET BLUE

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

VIOLET BLUE, an Individual,  
Plaintiff and Counter-defendant,  
v.

ADA MAE JOHNSON a/k/a ADA  
WOFFINDEN, an individual d/b/a  
VIOLET BLUE a/k/a VIOLET a/k/a  
VIOLET LUST; ASSASSIN PICTURES  
INC., a California Corporation;  
ASSASSINCASH.COM; BILL T. FOX,  
an individual, a/k/a BILL FOX; FIVE  
STAR VIDEO L.C., an Arizona Limited  
Liability Company a/k/a Five Star Video  
Distributors LLC d/b/a Five Star  
Fulfillment; and DOES 1-10

Defendants and Counter-claimants.

AND RELATED COUNTERCLAIMS

Case No. C 07-5370 SI

**PLAINTIFF VIOLET BLUE'S  
REQUEST FOR JUDICIAL NOTICE**

The Honorable Susan Illston  
Courtroom 10, 19th Floor  
450 Golden Gate Avenue  
San Francisco, CA 94102

Hearing Date: April 4, 2008  
Hearing Time: 9:00 a.m.

## REQUEST FOR JUDICIAL NOTICE

Plaintiff Violet Blue (“Blue”) hereby requests that the Court take judicial notice of the following documents attached hereto as Exhibits A through S. This request is made pursuant to Rule 201 of the Federal Rules of Evidence. Fed. R. Evid. 201. This request is made in connection with Plaintiff Violet Blue’s Notice Of Motion And (1) Special Motion To Strike Fifth Counterclaim As A Meritless S.L.A.P.P. Pursuant To Cal. Code Of Civ. P. § 425.16; And (2) Motion To Dismiss The Third And Fourth Counterclaims (hereinafter “Anti-SLAPP Motion And Motion To Dismiss”), concurrently filed by Blue on February 25, 2008.

Exhibit	Description	Original Source (URL where relevant)	Date Published
A	Article entitled “Now Playing on Apple’s iTunes: Adult-Oriented Podcasts”	<a href="http://online.wsj.com/public/article/SB112199964473193071-wHD0jEWmn1XrxuhE5HgGCs4siD0_20060721.html?mod=tff_main_tff_top">http://online.wsj.com/public/article/SB112199964473193071-wHD0jEWmn1XrxuhE5HgGCs4siD0_20060721.html?mod=tff_main_tff_top</a>	July 22, 2005
B	Article entitled “In Pictures: The Web Celeb 25 – Forbes.com” dated February 25, 2008, from Forbes.com	<a href="http://www.forbes.com/2007/01/23/web-celeb-25-tech-media_cx_de_06webceleb_0123top_slides_26.html?thisSpeed=30000">http://www.forbes.com/2007/01/23/web-celeb-25-tech-media_cx_de_06webceleb_0123top_slides_26.html?thisSpeed=30000</a>	January 23, 2007
C	“Contributors” (Page 18) and article entitled “Eyes Wide Open: What kind of woman watches porn – and likes it? You might be surprised. Violet Blue reports on the pleasures of pressing Play” (Pages 186 and 187).	<i>O: the Oprah Magazine</i>	July 2007
D	International Movie Database website entry for “Violet Blue”	<a href="http://www.imdb.com/name/nm1013326/">http://www.imdb.com/name/nm1013326/</a>	Last viewed February 25, 2008
E	Exotic Erotic Ball website	<a href="http://exoeroball.com/em/062306/">http://exoeroball.com/em/062306/</a>	Last viewed February 25, 2008
F	Plaintiff Blue’s website	<a href="http://www.tinybubbles.com/blogarchive/2006/10/i-am-teh-real-vb-i-am-all-the-violet-blue-youll-ever-need.html/">http://www.tinybubbles.com/blogarchive/2006/10/i-am-teh-real-vb-i-am-all-the-violet-blue-youll-ever-need.html/</a>	October 26, 2006
G	Web page entitled “The TWiT Netcast Network with Leo Laporte”	<a href="http://twit.tv/86/">http://twit.tv/86/</a>	January 29, 2007
H	Article entitled “Violet Blue and the ‘Moose Lodge’” from “SFGate: Culture Blog!”	<a href="http://www.sfgate.com/cgi-bin/blogs/sfgate/detail?blogid=3&amp;entry_id=13187/">http://www.sfgate.com/cgi-bin/blogs/sfgate/detail?blogid=3&amp;entry_id=13187/</a>	February 2, 2007

I	Exotic Erotic Ball	<a href="http://www.exoticeroticball.com/">http://www.exoticeroticball.com/</a>	Last visited February 25, 2008
J	Article entitled "Violet Blue Memorabilia Sale," from the Adult Industry News website	<a href="http://www.ainews.com/story/12193/">http://www.ainews.com/story/12193/</a>	July 31, 2007
K	Article entitled "Legal Battle Ensues Between the Two Violet Blues"	<a href="http://www.avn.com/index.cfm?objectID=d3d256ea-0408-6044-8a0880b3a36be003&amp;slid=268442">http://www.avn.com/index.cfm?objectID=d3d256ea-0408-6044-8a0880b3a36be003&amp;slid=268442</a>	October 24, 2007
L	Article entitled "Analysis: Violet Blue v. Violet Blue," from the Adult Video News website	<a href="http://www.avn.com/printFriendly.cfm?objectID=168F719A-9191-D4B0-87295A93B3801995&amp;siteSection=law">http://www.avn.com/printFriendly.cfm?objectID=168F719A-9191-D4B0-87295A93B3801995&amp;siteSection=law</a>	November 6, 2007
M	"News Briefs" posted at the ErosZine website	<a href="http://www.eros-london.com/articles/2007-10-30/newsbriefs103007/">http://www.eros-london.com/articles/2007-10-30/newsbriefs103007/</a>	October 30, 2007
N	Article entitled "Sex Writer Violet Blue Sues Porn Star Violet Blue Over Name – Updated" posted at the Wired Blog Network website	<a href="http://blog.wired.com/27bstroke6/2007/10/sex-journo-viol.html">http://blog.wired.com/27bstroke6/2007/10/sex-journo-viol.html</a>	October 24, 2007
O	Article entitled "Press: Sex Ed Blogger Violet Blue to Start TWaT, the All-Girl Tech Podcast?" from Gizmodo.com	<a href="http://gizmodo.com/gadgets/press/sex-ed-blogger-violet-blue-to-start-twatt-the-all-girl-tech-podcast-233732.php?mail2=true/">http://gizmodo.com/gadgets/press/sex-ed-blogger-violet-blue-to-start-twatt-the-all-girl-tech-podcast-233732.php?mail2=true/</a>	February 5, 2007
P	South By Southwest Interactive website	<a href="http://2008.sxsw.com/blogs/ia.php/2007/10/">http://2008.sxsw.com/blogs/ia.php/2007/10/</a>	October 27, 2007
Q	Article entitled "Blue Monday: If Sex Educators Could Make A Living Wage, Would We Sue To Protect Our Brand?" from the website Sexerati.com	<a href="http://www.sexerati.com/2007/10/25/blue-monday-if-sex-educators-could-make-a-living-wage-would-we-sue-to-protect-our-brand/">http://www.sexerati.com/2007/10/25/blue-monday-if-sex-educators-could-make-a-living-wage-would-we-sue-to-protect-our-brand/</a>	October 25, 2007
R	Article entitled "Will the Real 'Violet Blue' Please Stand Up; Writer-Blogger Sues Porn Star Over Name Use" from the Blogonaut blog	<a href="http://blogonaut-blogonaut.blogspot.com/2007/10/will-real-violet-blue-please-stand-up.html">http://blogonaut-blogonaut.blogspot.com/2007/10/will-real-violet-blue-please-stand-up.html</a>	October 2007
S	Article entitled "Pornstar Violet Blue Changes Name" from the Adult Industry News website	<a href="http://ainews.com/story/12515/">http://ainews.com/story/12515/</a>	November 3, 2007

### BASIS FOR REQUESTING JUDICIAL NOTICE

1. The Documents Are Referred To In The Complaint

When ruling on a motion, a Court may properly consider documents referred to in a

1 complaint though not attached thereto, so long as neither party questions the authenticity of those  
2 documents. In re Silicon Graphics Securities Litigation, 183 F.3d 970, 986 (9th Cir. 1999)  
3 (considering SEC filings referenced within a complaint when ruling on a 12(b)(6) motion to  
4 dismiss); Parrino v. FHP, Inc., 146 F.3d 699, 706 (9th Cir. 1998) (on motion to dismiss, a court  
5 may consider documents not attached to complaint yet crucial to claim); Branch v. Tunnell, 14  
6 F.3d 449, 453-54 (9th Cir. 1994) (approving of consideration of documents mentioned in  
7 complaint when ruling on a 12(b)(6) motion). This includes documents that are integral to a  
8 claim but not explicitly incorporated in the complaint. Parrino, 146 F.3d at 706. Here, the Court  
9 may take judicial notice of Exhibits A through S because, neither party disputes their  
10 authenticity, [Def. Woffinden's ... Ans. To Plf's First Am. Compl., Aff. Defenses, Countercls.,  
11 Prayer For Relief, and Jury Demand (Dkt. No. 29), filed 2/4/08 at 27:408 (referring generally to  
12 the "numerous postings on the Internet" and statements made on Plaintiff's website)] their  
13 existence is crucial to the counterclaims at issue in Blue's Anti-SLAPP Motion And Motion To  
14 Dismiss.

17 2. The Documents Are A Matter Of Public Record.

18 Courts may also take judicial notice of documents outside of the complaint that are  
19 capable of accurate and ready determination by resort to sources whose accuracy cannot  
20 reasonably be questioned. Fed. R. Evid. 201(d); Wietschner v. Monterey Pasta Co., 294 F. Supp.  
21 2d 1117, 1109 (N.D. Cal. 2003). Courts can take judicial notice of such matters when  
22 considering a motion to dismiss. Wietschner, 294 F. Supp. 2d at 1109; MGIC Indem. Corp. v.  
23 Weisman, 803 F. 2d 500, 504 (9th Cir. 1986). On a motion to dismiss, a court may take judicial  
24 notice of matters of public record in accordance with Federal Rule of Evidence 201 without  
25 converting the motion to dismiss to a motion for summary judgment. Lee v. City of Los Angeles,  
26 250 F.3d 668, 688-689 (9th Cir. 2001) (citing Mack v. South Bay Beer Distributors, Inc., 798  
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1 F.2d 1279, 1282 (9th Cir. 1986)). This Court may take judicial notice of Exhibits A through S.

2 As stated in Lee, on a motion to dismiss, the Court may take judicial notice of  
3 “undisputed matters of public record.” Lee, 250 F.3d at 690. Exhibits A through S are true and  
4 correct copies of the publicly available articles and websites as described in the table above.  
5 Information obtained from a website where neither party questions the authenticity of the site or  
6 the document meets the definition of Fed. R. Evid. 201 and is a proper subject of judicial notice.  
7 Pollstar v. Gigmania Ltd., 170 F. Supp. 2d 974, 978 (E.D. Cal. 2000) (taking judicial notice of  
8 website printout referenced in complaint when ruling on motion to dismiss). Ms. Blue asks this  
9 Court to take judicial notice of Exhibits A through S.  
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11 For the foregoing reasons, Exhibits A through S may properly be considered by the Court  
12 in ruling on Blue’s Anti-SLAPP Motion And Motion To Dismiss.  
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14  
15 Dated: February 25, 2008

VOGELE & ASSOCIATES

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18 By: /s/  
Benjamin A. Costa

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20 Attorneys for Plaintiff VIOLET BLUE  
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